



RESOURCE PLANNING ADVISORY COMMITTEE

October 8, 2009

MEETING MINUTES

Thursday, October 8, 2009, 8:00 AM at the City of Tucson Community Services Center, 310 N. Commerce Park Loop, Tucson, Arizona.

RPAC Members in Attendance

- Amy McCoy, Sonoran Institute
- Paul Green, Tucson Audubon Society
- Tim Johnson, At-Large Member
- Greg Shinn, Southern Arizona Home Builders Association
- Diana Hadley, Santa Cruz River Alliance
- Amanda Best, Metropolitan Pima Alliance
- Karolyn Kendrick, Arizona Native Plant Society
- Chad Kolodisner, At-large Member
- Joy Lyndes, At-large Member
- Carolyn Campbell, Coalition for Sonoran Desert Protection

Ex-officio Members in Attendance

- Orlanthia Henderson, Town of Sahuarita
- David Jacobs, Arizona State Land Dept.
- Claire Zucker, Pima Association of Governments
- Carla Danforth, Pima Co. Regional Flood Control District

Staff in Attendance

- Leslie Liberty, Office of Conservation and Sustainable Development (OCSD)
- Nicole Urban-Lopez, OCSD
- Jamie Brown, OCSD
- Holly Lachowicz, Ward 3
- Viola Romero-Wright, City Attorney's Office
- Joe Linville, PDSD
- Julie Parizak Parks and Rec

AGENDA ITEMS

1. Call to Order/ Roll Call

A quorum was established and the meeting commenced at 8:11 a.m.

2. Approval of Minutes for August 27, 2009 and September 10, 2009

- Greg Shinn moved to approve the meeting minutes from August 27, 2009 and September 10, 2009. Motion was seconded by Karolyn Kendrick. Motion was approved unanimously by a voice vote of 10-0.

3. Updates

- Nicole Urban-Lopez reported that a memo requesting the membership changes to the RPAC has been submitted and the item should be scheduled for Mayor and Council approval this month.
- Leslie Liberti reported that she went to the City Planning Commission on October 7, 2009 to update them on the RPAC's work on the riparian ordinance revision. The presentation was an informational-only item, but eventually the commission will make a recommendation to Mayor and Council about the revised riparian ordinance that the RPAC proposes. The Planning Commission asked questions about whether Development Services will be able to enforce the new ordinance and how the riparian ordinance revision fits in with Clarion's work to revise the Land Use Code. Leslie clarified that the RPAC makes recommendations to City staff, and then staff will present a draft ordinance and Development Standard to the Planning Commission. A public hearing will be held, followed by a recommendation to Mayor and Council from the Commission. Mayor and Council will hold another public hearing before voting on the new ordinance. Going to the Planning Commission is a necessary step because the revised riparian ordinance will change the Land Use Code since the existing ordinances are in the Land Use Code.

4. Discussion of proposed changes in riparian ordinance and development standard, discussion of results of subcommittee meeting, and possible motions on scheduling additional subcommittee meeting and additional RPAC meetings

- Staff distributed copies of a summary sheet from the subcommittee meeting held 10/7/09, the matrix of Major Changes Proposed to Riparian Ordinances and Development Standard (9/14/09 version), the draft Riparian Habitat Condition Rating Sheet
- Riparian Habitat Condition Rating Sheet
 - There are 12 different criteria to evaluate watercourses against in the rating sheet
 - Greg is going to help staff field test the model to see how it works because there are concerns that the washes aren't differentiated enough in the rating sheet so they all end up in the middle with few high and low quality washes.
 - It was suggested that the points assigned may need to be adjusted to avoid neutralizing all watercourses. The rating sheet should result in a bell curve.
 - It was asked if the percent hardscape is referring to actual concrete and asphalt or if it refers to all impervious material. If it is referring to impervious material, then should be changed to percent impervious surface because hardscape is a more technical term that refers to concrete and asphalt specifically.
 - It was clarified that actual tree sizes have not been discussed yet for the tree size rating.
 - The subcommittee discussed what each rating means on the scale of 1-5.
 - It was asked what happens after the habitat is rated. Greg explained that washes are going to fall into a high, medium or low quality category based on the rating sheet. The best management practices prescribed will be based on those categories and the percent of encroachment.
- Best Management Practices (BMPs) from 10/07/09 Subcommittee meeting
 - The subcommittee reviewed the Best Management Practices and determined that it would be quite complicated to implement in its current form.
 - The subcommittee developed a more streamlined approach.

- One issue raised was bare dirt and how it should be defined. It was suggested that it be defined as a wash regulatory area that has little or no protected riparian habitat. Watercourses will either have riparian habitat or not instead of either having riparian area or bare dirt. The concern is how bare dirt will get interpreted over time. This clearly defines bare dirt.
- For washes where the 100-year floodplain is constrained within a channel and the 50 foot regulatory area has little or no protected riparian habitat, then the 50 foot regulatory area is treated as an incentive area for stormwater harvesting, NPPO plantings, etc. instead of as a strict regulatory area. This is because when flow is constrained to a channel and there isn't vegetation on the top of bank, hydrologic connection probably is not present but things can still be done to encourage plantings along the wash that will increase the ecological value of it.
- For other washes where the flow is not constrained to the channel, the committee talked about protecting the 10-year floodplain even if there is bare dirt. Some concerns have been raised about the variability of the width of the 10-year floodplain. The subcommittee discussed putting limits on the regulated width of the 10-year floodplain so that we don't end up requiring that a huge swath of bare ground be protected.
- The subcommittee decided to start with the low-flow channel (the sandy bottom) and take 2 times that width on both sides, but not to exceed the 10-year floodplain. The low-flow width would be based on the Army Corps of Engineers determinations. Developers can automatically choose to double the low-flow width on both sides if they don't want to map the 10-year floodplain.
- If there is little or no protected riparian area, then there isn't a reason to require a WERR. The mitigation would be restoration, so a Restoration Plan would be required instead.
- It was clarified that the first step will be to determine with staff whether there is protected riparian area in the 50 ft. top of bank regulated area. Encroaching into the 50 ft. is the trigger for staff review to determine if there is protected riparian area. If there is no PRA, then there is no mitigation requirement for encroachment into the regulated area. Only restoration will be required through the BMPs. Restoration can also be incentivised in these areas.
- It was asked what the process will be to validate whether there is protected riparian area. Staff commented that this area may be left up to staff discretion, but in most cases it will be obvious. Trying to define PRA may be too difficult.
- Concerns were raised that the regulations were increasing in areas that currently are not regulated. Currently there is no mitigation requirement for bare dirt. Greg clarified that there is a mitigation requirement, but it is tied to hydrologic flow in the Floodplain ordinance, not vegetation.
- It was commented that the trade-off is the allowance of 10% encroachment.
- It was clarified that if a watercourse is not in the 100-year floodplain, then it is not regulated.
- The subcommittee came up with the following simplified process for implementing the BMPs:

- The Habitat Condition Rating Sheet is used to determine if the watercourse is of low, medium, or high quality. Next, the percent of encroachment is determined and mitigated using the BMPs.
- Depending on the watercourse quality and percent of encroachment, there is a threshold above which you either have to go to SAC or complete a DSMR (RPAC needs to decide).
- There can be a category in the BMPs for bare dirt scenarios.
- It was commented that areas with bare dirt are good opportunities to incentivise restoration, but not require mitigation. If it has been determined that there is no PRA in the 50 ft. top of bank regulated area, then the BMPs are not used because there is no mitigation requirement.
- A step in the process can be added to capture bare dirt areas in the BMPs.
- It was commented that the allowable encroachment into riparian areas has been increased.
- Staff read the following definition of PRA that the RPAC has been working with in the development of a revised riparian ordinance: If vegetation is not present, the PRA is the area where water availability could support riparian vegetation even if there are very few or no plants currently present.
- It was commented that not all RPAC members agree with this definition.
- Staff was asked to create a flow chart of the proposed process, and a statement of what the committee has agreed upon up to this point.
- It was asked whether there is a process for the public to appeal if they do not like the proposed development. It was commented that the public should have the opportunity to comment on developments that encroach on watercourses.
- Staff clarified that there is a public noticing process for developments that need a DSMR or that go to SAC. Under the existing ordinance, a DSMR is required at 10% encroachment and SAC at 25% encroachment and both of these are public processes. Under the current proposal for a revised ordinance, developments could potentially encroach up to 40% without a DSMR or going to SAC.
- The RPAC can decide to require a DSMR across the board after a certain percentage of encroachment.
- It was commented that adding a DSMR will discourage developers from encroaching that much.
- The subcommittee will continue working on the matrix and rating sheet, and try to test it on a few sites.

5. Discussion of timeline for completing ordinance revision, public engagement, and obtaining additional stakeholder input

- Currently scheduled RPAC meetings are as follows: 10/22 or 10/23 (subcommittee), 10/29, 11/12, and 12/10.
- Comments were made that the subcommittee should keep meeting to keep progressing on the revised ordinance.
- Staff will send out a Doodle poll to find out if there is a quorum for a 10/22 or 10/23 subcommittee meeting and a 10/29 full RPAC meeting.
- It was commented that we still need to address what is PRA and how it is determined.

- Staff distributed copies of draft Ordinance and Development Standard text. Staff will also email the documents to the committee. Comments should be sent as a bulleted list or hand-written on the documents.
- Staff reported that a report on the RPAC's work will likely be scheduled for a Mayor and Council study session in December.
- Leslie reported that she will not be in town for the 11/12 meeting. The original idea was to hold a broader public engagement meeting at that time. It was suggested that the 11/12 meeting be moved a week later after Leslie returns. Staff will send a Doodle poll to check availability.
- The committee should have most of the details worked out by the 12/10 meeting in advance of staff reporting to Mayor and Council at study session.
- Staff reported that they would like to send the ordinance and the DS to the Planning Commission together.

6. Future Agenda Items

- Review flow chart of current proposed riparian preservation process
- Determine Protected Riparian Area criteria
- Refine Riparian Habitat Condition Rating Sheet

7. Call to the Audience

- Frank Sousa commented that there is a great deviation from what the County does in terms of shallow ground water. He suggested that the committee try to make it more consistent with the County's regulations. On the PRA determination, there is a preliminary map that has already been completed that can be utilized.
- Staff will send a map of shallow groundwater areas and the power point presentation given to the Planning Commission to the committee.

8. Adjournment at 10:00 a.m.